

In re application of: Klagsbrun et al.

Application No.: 09/579,420

Group No.: 1642

Filed: May 25, 2000

Examiner: G. Nickol

For: PEPTIDE ANTAGONISTS OF VASCULAR ENDOTHELIAL GROWTH FACTOR

REMARKS

Claims 1 and 4 – 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,219,739 (Tischer et al., 1993).

Applicants respectfully disagree and request that this rejection be withdrawn for the following reasons.

While Tischer does teach the full length sequence of VEGF₁₈₉, the reference does not teach use of a portion of SEQ ID NO: 1 that includes amino acids 22 – 44 for the inhibition of angiogenesis. At column 14, lines 42 – 44, Tischer teaches the administration of a heterodimeric protein “having **two** different subunits, each of the subunits being selected from the mature amino acid sequence of human VEGF₁₂₁, human VEGF₁₆₅ and human VEGF₁₈₉” [emphasis added]. The reference does not teach use of a portion of VEGF (VEGF₁₈₉) for the inhibition of angiogenesis.

Accordingly, Applicant respectfully submits that claim 1 and 4 – 6 are not anticipated by Tischer et al. and therefore the rejection should be withdrawn.

Applicants believe that in light of the statements presented above the present application is in condition for allowance and issuance of the Patent is earnestly solicited.

The Examiner is earnestly solicited to contact the undersigned with any further questions regarding this response.

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FEE AUTHORIZATION

Applicants do not believe that any fees are due with this submission. However, in the event that fees are associated with this matter the Commissioner is authorized to charge the NIXON PEABODY LLP Deposit Account No. 50-0850 for any such deficiencies.

Date: 7/25/03

Respectfully submitted,

Customer No.: 26248



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